

CHAPTER 1

GENERAL PROVISIONS

Section 1. **Wyoming Wildlife and Natural Resource Trust Account Board.** The Wyoming Wildlife and Natural Resource Trust Account Board was established by W.S. 9-15-104, as may be amended, and has the powers and duties established in other related legislation as applicable.

Section 2. **Authority.** These Rules are promulgated as authorized by the Wyoming Administrative Procedure Act, W.S. 16-3-101 to 16-3-115 and the provisions of law creating the Wyoming Wildlife and Natural Resource Trust Account Board, specifically W.S. 9-15-104(f) which mandates the adoption of rules and regulations to implement the provisions of W.S. 9-5-101 through 9-15-107, W.S. 28-11-401, or other provisions of law subsequently enacted.

Section 3. **Purpose and Objectives.** These Rules and Regulations are established to effectuate, and shall be applied so as to accomplish, the general purposes of the Wyoming Wildlife and Natural Resource Funding Act (the “Act”), as may be amended which are to promote, preserve and enhance the wildlife, multiple use, natural resource and environmental heritage of Wyoming and its people.

Section 4. **Definitions.** The following definitions shall control in any application of these rules and regulations:

(a) “Board” means the Wyoming Wildlife and Natural Resource Trust Account Board created by W.S. 9-15-104;

(b) “Governmental organization” means any state, tribal, federal and local governmental agency, including municipal subdivisions;

(c) “Income account” means the Wyoming Wildlife and Natural Resource Trust Income Account created by W.S. 9-15-103(b);

(d) “Large project” means a project for which the grant sought under the Act equals or exceeds two hundred thousand dollars (\$200,000);

(e) “Matching contribution” includes money and in-kind contributions, including the economic value of any non-monetary donated contribution to a project by the applicant including but not limited to labor, equipment usage, lands, land rights, facilities or other terms essential to a project;

(f) “Natural resource heritage” means renewable natural resources managed under a balanced stewardship that provides for the optimization of social, economic and cultural benefits for the citizens of Wyoming pursuant to W.S. 19-15-102(a)(iv);

(g) “Nonprofit organization” means an entity or organization that is exempt from federal income taxation pursuant to 26 U.S.C. 501(c)(3);

(h) “Rules” means the Rules and Regulations established by the Wyoming Wildlife and Natural Resource Trust Account Board;

(j) “Secretary” means the Secretary of the Wyoming Wildlife and Natural Resource Trust Account Board;

(k) “Select committee” means the Select Natural Resource Funding Committee created by W.S. 28-11-401;

(l) “Small project” means a project for which the grant sought under the Act is below two hundred thousand dollars (\$200,000); and

(m) “Trust account” means the Wyoming Wildlife and Natural Resource Trust Account created by W.S. 9-15-103(a).

CHAPTER 2 MEETINGS

Section 1. **Regular and Special Meetings.** The Board shall, as provided by W.S. 9-15-104(d), meet regularly. The Board shall hold at least one (1) meeting each quarter, which meetings shall be called by the Secretary after consultation and coordination with the Chairperson and other members of the Board. Special meetings may be called by the Chairperson. Nothing contained in these rules shall be construed as prohibiting the Board or the Chairperson from holding informational proceedings, meetings or conferences deemed by the Board to be necessary in the performance of its duties.

Section 2. **Public Meetings.** All regular and special meetings shall be held in accordance with the Public Meeting Act as set forth at W.S. 16-4-401 et seq.

Section 3. **Quorum and Manner of Acting.** A majority of the Board shall constitute a quorum for transaction of business at any meeting of the Board.

Section 4. **Majority for Approval of Actions.** A majority vote of the members of the Board present at the meeting shall be required for approval of any actions of the Board.

Section 5. **Legal Counsel.** In all matters before the Board, the Board may request the Attorney General of the State of Wyoming or a representative of his staff to be present throughout the meeting to serve as legal counsel.

Section 6. **Agenda.** The agenda shall be prepared under the direction of the Chairperson for each meeting of the Board. Copies of the agenda and other available data shall be mailed to Board members a minimum of ten (10) calendar days prior to each meeting. At regular meetings, time shall be provided for items not on the agenda. The agenda shall include an opportunity for the public to comment on an issue or project under consideration by the Board at that meeting.

Section 7. **Minutes.** Minutes of the Board shall be kept in a form which will provide a permanent record of the proceedings of the Board. Copies of the draft minutes will be delivered to Board members in advance of the next regularly scheduled meeting together with the meeting agenda as prescribed in Chapter 2, Section 6 of these Rules. Minutes of the meeting shall be prepared under the supervision and direction of the Secretary, submitted at the next meeting of the Board for approval, and, upon Board approval shall be signed by the Chairperson. A file of the permanent minutes of all Board meetings will be maintained in the office of the Board to be made available upon request by any interested parties.

Section 8. **Record.** The record of all public meetings shall include formal and informal notices; any written comments, statements or exhibits received; and other pertinent data. The record shall also include recorded testimony, or a memorandum to the file summarizing the views and comments presented at the meeting.

Section 9. **Rules of Order.** Any matter of procedure or conduct not specifically provided for by state law or by Rules and Regulations of the Board shall be governed by Robert's Rules of Order Revised, Latest Edition.

CHAPTER 3

CHAIRPERSON

Section 1. **Chair.** At the first regularly scheduled meeting of the Board each year, the members of the Board shall, as the first item of business, elect a Chairperson and Vice Chairperson. The Chairperson and Vice Chairperson shall be elected by a majority vote of the Board. The elected Chairperson shall, thereafter, conduct the meetings for the duration of his or her term. In the absence of the Chairperson, the Vice Chairperson shall assume the duties of the Chairperson, including those described in Chapter 3, Sections 3 and 4, and Chapter 5, Section 2(b).

Section 2. **Vacancies.** Any vacancy in the position of Chairperson shall be addressed by the remaining members of the Board, who shall elect a Chairperson at the next regularly scheduled meeting following the vacancy.

Section 3. **Vouchers and Payment Requests.** The Chairperson shall be authorized to execute vouchers and payment requests for purchases which are authorized by the Board. All such vouchers and requests for payment shall be presented to the Wyoming State Auditor in the manner prescribed by the State Auditor's Office.

Section 4. **Contracts.** The Chairperson shall be authorized to execute any contracts in the name of the Board, with prior Board approval.

CHAPTER 4

SECRETARY AND STAFF

Section 1. **Secretary.** The Board shall hire a Secretary who shall serve at the pleasure of, and be solely responsible to, the Board.

Section 2. **Staff.** The Secretary shall hire and supervise other staff members as may be authorized by the Board.

Section 3. **Annual Review.** The Board will review the contract of the Secretary on an annual basis.

CHAPTER 5 ADMINISTRATION

Section 1. Authorization of Expenditures.

- (a) The Secretary shall prepare an annual administrative budget which shall be submitted to the Board for approval by July 15 of each year.
- (b) The Secretary may purchase or provide necessary capital equipment, supplies and services for the Board to a maximum of five hundred dollars (\$500.00) per purchase. Aggregate purchases of supplies and equipment shall not exceed the maximum. Capital purchases in excess of the maximum amount are subject to prior approval by the Board.
- (c) The Secretary shall mail monthly financial statements to each member of the Board.
- (d) All fiscal records of the Board shall be maintained in accordance with State of Wyoming Accounting Procedures.
- (e) Inventory records shall be maintained on physical property under control of the inventory coordinator of the Governor's Office. Acquisitions and property that is disposed of as "surplus property" shall be recorded on the Governor's perpetual inventory records.
- (f) Board members, the Secretary and staff shall present vouchers and requests for payment in accordance with the policies and procedures of the Wyoming State Auditor's Office.
- (g) The Board Chairperson shall be authorized to approve vouchers and requests for payment consistent with the policies and procedures of the Wyoming State Auditor's Office. The Chairperson may, with a vote of approval by the Board, designate, in writing, another member of the Board who may approve vouchers and requests for payment in accordance with the policies and procedures of the Wyoming State Auditor's Office.

Section 2. Contracts.

- (a) All contracts in the name of the Board shall be drafted in accordance with the Contract Manual for State Agencies compiled by the Wyoming Attorney General's office.
- (b) Contracts shall be executed, with Board approval, in the name of the Board by the Chairperson or by a designated Board member.
- (c) The administrative office of the Board shall retain a fully executed copy of all contracts, together with any related attachments or exhibits.

Section 3. **Annual Report.** Pursuant to W.S. 9-15-104(h), the Board shall prepare a written annual report to the Governor, the Joint Appropriations Interim Committee, the Select Committee, and the Joint Travel, Recreation, Wildlife and Cultural Resources Committee no later than September 1 with respect to revenue received in the income and trust accounts and grants awarded by the Board. The Secretary shall prepare a draft annual report for review and approval by the Board with the draft to be submitted to the Board no later than July 15.

CHAPTER 6

GRANT ELIGIBILITY

Section 1. **Competitive Grants.** Funds allocated from the Income Account shall be disbursed pursuant to a competitive grant process except as provided under the provisions of Chapter 9, Section 2. No funds shall be disbursed for fee simple title acquisition of real property to be held by the state of Wyoming, nor shall funds be disbursed to purchase water rights to be held by the state of Wyoming.

Section 2. **Competitive Grant Applications.** All grant applications shall be submitted in a form and manner to be prescribed by the Board.

Section 3. **Criteria for Matching Funds or Other In-Kind Contributions.** Matching contributions include money and in-kind contributions to a given project and will be required for project approval. The amount of the matching contribution will be considered in the grant evaluation and prioritization process. Matching funds need not be available for expenditure prior to grant funding approval, but proof of matching funds must be fully documented.

CHAPTER 7

GRANT EVALUATION AND PRIORITIZATION PROCESS

Section 1. Evaluation, Ranking and Prioritization of Grant Proposals. The Board shall review, evaluate, rank and prioritize applications for grants. The evaluation process shall include a pre-application screening of all applications. That screening shall consist of a preliminary review of all grant applications for compliance with the Wyoming Wildlife and Natural Resource Funding Act and for adherence to the criteria for grants established by the Board. The Board shall, at its sole discretion, determine which grants should move beyond the pre-application screening.

For those applicants that are selected to move beyond the pre-application process, such applicants must supply a final application and allow for a site visit by at least two (2) Board members and other qualified professionals as may be requested by the Board to offer expertise specific to the proposed project.

The Board shall rank and approve or reject small project final grant applications based on the overall purposes of the Act. Large project grant applications will be reviewed and evaluated by the Board, and approved applications will be forwarded to the Select Committee for its review and recommendation.

In reviewing, evaluating and ranking final applications, the Board shall:

- (a) place an emphasis on those projects that are partnerships involving private and public entities;
- (b) consider the effects of the project on citizen access to public lands for hunting, fishing and recreational activities; and
- (c) consider the socioeconomic impacts of the grant proposal on the affected community.

Section 2. Criteria for Grants. Grant criteria shall, at a minimum, include the ability of any project to accomplish one (1) or more of the following:

- (a) improve and maintain existing terrestrial habitat necessary to maintain optimum wildlife populations;
- (b) preserve open spaces;
- (c) improve and maintain existing aquatic habitat necessary to maintain optimum fish populations;

(d) maintain or enhance terrestrial or aquatic habitat when existing habitat is determined critical or is present in minimal amounts;

(e) conserve, maintain, protect and develop wildlife resources, the environment and Wyoming's natural resource heritage;

(f) participate in water enhancement projects to benefit aquatic habitat for fish populations and allow for other watershed enhancements that benefit wildlife and other natural resources;

(g) address and mitigate impacts detrimental to wildlife habitat, the environment, and the multiple use of renewable natural resources attributable to residential, mineral and industrial development; or

(h) mitigate conflicts and reduce the potential for disease transmission between wildlife and domestic livestock.

Section 3. **Ranking System.** The Board shall prepare and approve a ranking system to be used to rank all eligible applications. The ranking system shall be approved by an affirmative vote of the Board. Any subsequent amendments to the ranking system shall also be approved by an affirmative vote of the Board.

Section 4. **Multi-Year Projects.** Projects which are funded as multi-year projects may be exempted from the ranking process by the Board for the duration of the project provided that annual evaluations of progress toward project goals are submitted and accepted by the Board. No commitment may exceed three (3) years without formal action by the Board to renew the grant or contract.

Section 5. **For-Profit Corporations.** The Board may, at its discretion, participate with for-profit corporations to develop wildlife habitat but may not divert financial resources to any for-profit corporation.

CHAPTER 8

REVIEW AND MONITORING OF GRANTS

Section 1. **Review and Monitoring of Grants.** The Board shall monitor the progress of funded projects. At a minimum, the grantee will provide semi-annual reports to the Board summarizing the progress of the project and providing an accounting of funds expended to date. These reports shall be submitted at a time and in a form as specified in the grant application.

CHAPTER 9

GIFTS, TRANSFERS, BEQUESTS AND DONATIONS

Section 1. Criteria for Acceptance or Rejection of Gifts, Transfers, Bequests and Donations Including Interests in Real or Personal Property. The Board may accept or reject any gift, grant, transfer, bequest, royalty or donation at its sole discretion except that the Board shall not accept any fee simple interest in real property but shall make recommendations to the Board of Land Commissioners regarding acceptance of any such interest.

Section 2. Transfer of Funds from Private Interests. Any gift, grant, transfer, bequest, royalty or donation shall be subject to the instrument transferring such interest to the Income Account. Any funds transferred to the Board for particular purposes shall be placed in segregated sub-accounts to the Income Account and shall be distributed in accordance with the terms of the transferring instrument.